

REMARKS/ARGUMENTS

Reconsideration of this application, as amended, is respectfully requested.

I. Status of the Claims

Claims 1-5 have been previously cancelled.

Claim 10 has been added.

Claims 6-10 are pending.

New claim 10 does not add new matter.

II. Acknowledgment of Allowable Subject Matter

Applicants thank the Examiner for the indication of allowable subject matter in claim 7. Applicants have drafted new independent claim 10 to include all subject matter claimed by claim 7, including the base and intervening claims. Accordingly, claim 10 is in condition for allowance.

III. Rejections Under 35 U.S.C. §103

Claims 6, 8, and 9 stand rejected under 35 U.S.C. §103(a) as being unpatentable over JP 02-111372 to Fikushima et al. (hereinafter “Fikushima”) in view of “Applicant’s own admissions” and in further view of U.S. Patent No. 4,658,739 (“the ‘739 patent”) issued to Watkins and U.S. Patent No. 4, 841,886 (“the ‘886 patent”) issued to Watkins.

Applicants respectfully submit that Fikushima does not teach or suggest, alone or in combination with either Applicants’ own admissions, or the ‘886 or ‘739 patents, all of the elements of claims 6 and 9. The Examiner correctly notes that Fikushima does not teach the required feature of the present invention that “each of said warps/wefts [is]

comprised of a plurality of filaments (i.e. multifilaments). . .” Office Action dated March 4, 2004, page 3. However, the Examiner contends that by Applicant’s own admission “a known alternative to flat yarn (i.e. monofilament, tape yarn) backing fabrics is a polyester multifilament yarn backing fabrics.” Office Action dated March 4, 2004, page 3. Thus, the Examiner states that “it would have been obvious to one skilled in the art to employ multifilament yarns for the monofilament yarns of Fukushima with the expectation of increased flexibility and tensile strength.” Id. Applicants respectfully disagree with the Examiners’ conclusion.

The paragraphs immediately following the paragraph paraphrased by the Examiner describe the state of the art prior to the Applicants’ invention and explain why it would not have been obvious to one skilled in the art to employ multifilament yarns, and expect increased flexibility and tensile strength:

[s]ince the multifilament fabric is superior in flexibility, it tends to be forced in by a needle 22 between adjacent finger needles (20, 20) for supporting a backing fabric (11) in the tufting process, as shown in Figure 5.

When the multifilament fabric, that is, the backing fabric (11) is forced inbetween adjacent finger needles (20, 20), longitudinal puckers (30) rise in the multifilament fabric.

In addition to longitudinal puckers (30), transverse puckers (32) also rise in the multifilament fabric during the tufting process for the polyester multifilament fabric on the fine gauge tufting machine (see Figure 7).

Specification, page 2, lines 11-18.

Therefore, one skilled in the art is aware of the problems of longitudinal and transverse puckers in multifilament fabric and is not taught by Fukushima or the ‘886 or ‘739 patents to solve the problem. Applicants’ own disclosure, as cited by the Examiner, actually teaches away from using multifilament fabric, and only with knowledge of the

present invention would one be taught to solve the problem. The present invention overcomes problems of longitudinal and transverse puckers by applying a binding resin “to said filaments of said wefts, said binding resin partially sticking on said filaments of said wefts and partially fixing said filaments of said wefts with one another, and partially fixing said warps and said wefts to each other. . .” (Claim 6), which is not disclosed or taught by Fikushima, the ‘886 or ‘739 patents, or Applicants’ admission in the background of the Specification.

Thus, Fikushima, alone or in combination with either Applicants’ own admissions or the ‘886 or ‘739 patent, does not teach or suggest all of the elements of claims 6, 8, or 9. Therefore, Applicants respectfully request the Examiner withdraw the above rejection.

CONCLUSION

In view of the above amendments and remarks, it is respectfully requested that the application be reconsidered and that all pending claims be allowed and the case passed to issue.

REMARKS

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

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Respectfully submitted,

By 

Louis J. DelJuidice

Registration No.: 47,522

DARBY & DARBY P.C.

P.O. Box 5257

New York, New York 10150-5257

(212) 527-7700

(212) 753-6237 (Fax)

Attorneys/Agents For Applicant

Attachments